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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,449	04/08/2004	Daniel Lazaretnik	P/4514-7 CIP	1335
2352	7590	12/12/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			MISKA, VIT W	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/821,449

Applicant(s)

LAZARETNIK, DANIEL

Examiner

Vit W. Miska

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7 and 9-30 is/are pending in the application.
- 4a) Of the above claim(s) 22-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-21 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/31/2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicant's election of invention I is acknowledged. Claims 2-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/28/2005.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kamiyama et al.
2. The reference discloses a timepiece including dial face 13 with circumferential boundary as shown in Fig. 1 and geometric center defined by center wheel 25, hours indicia as shown in Fig. 1, first time movement including hours and minutes hands 5a, 5b, second time movement including hours /minutes hands 6a/6b, the two movements spaced in relation to the each other and from the geometric center, the tow movements

being settable and running independently of one another (see col. 6, line 60-col. 6, line 30).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiyama et al.
4. With respect to claim 2, hours indicia are shown as marks corresponding to the hourly positions around the dial. The placement of numerals in place of or in addition to marks identifying hour positions is taken Official notice of as being well known in the timepiece field. It would be obvious for one skilled in the art to add numerals in Kamiyama et al for facilitating recognition of the displayed hour. Regarding claim 5, a bezel is not specifically shown in Kamiyama et al. Official notice is taken of the use of bezels for attaching the crystal of a timepiece to the watch case. It would be obvious for

one skilled in the art to provide such a bezel as a conventional means for securing the crystal to the watch case in the Kamiyama et al timepiece.

5. Claims 4, 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiyama et al as applied to claim 1, above, in further view of Kresser. The Kresser reference discloses a timepiece having an oval shape dial and case. It would be obvious for one skilled in the art to design the timepiece of Kamiyama et al in an oval shape as taught by Kresser to provide the additional ornamental and design effect.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiyama et al as applied to claim 1, above, in further view of Biver. It would be obvious for one skilled in the art to place precious stone mounting in the bezel of Kamiyama et al as shown at 24 of Biver, to provide additional decorative features to the timepiece.

7. Claims 9-12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiyama et al as applied to claim 1, above, in further view of Farash. The latter reference teaches the use of separate time setting buttons for each of two timepiece movements thereof (see par. 26). It would be obvious for one skilled in the art to provide separate setting arrangements for each time display combination in Kamiyama et al as shown in Farash. With respect to the number of such setting stems, Farash

discloses one stem arrangement for each movement, as shown in Fig. 1 and Kamiyama et al suggests several setting buttons 8-11 for controlling the various timepiece functions. Thus, one skilled in the art would be familiar with using one or more setting means for setting timepiece features. It would therefore be obvious for one skilled in the art to provide each display combination of hours/minutes with a separate arrangement of three setting stems for controlling the functions thereof.

8. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiyama et al as applied to claim 1, in further view of Giger. The Giger reference discloses three dials with hands 9,8,7 for indicating chronograph hours, minutes and seconds, respectively on a watch face in addition to the hour/minute time hands 3,4. With respect to claims 13-14, it be obvious for one skilled in the art to provide hour, minutes and seconds indicators in the Kamiyama et al timepiece for additional chronograph functions, as taught by Giger.

9. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farash in view of Giger. Farash discloses separate movements 2, 4 with hour and minute hands as shown in Fig. 1, and hour indicia arranged around the perimeter of a dial face. A date indicator is not disclosed therein. Giger teaches a conventional date indicator 12 in addition to time indicators in a wristwatch. It would therefore be obvious for one skilled in the art to provide such a date indicator for each of the

independent movements of the Farash timepiece as an obvious and useful feature for displaying additional timepiece functions.

10. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiyama et al as applied to claim 1, above, in further view of Heit. The latter reference teaches the placement of precious stones around the interior of the dial face of a timepiece. It would be obvious for one skilled in the art to add precious stones and settings in the Kamiyama et al timepiece for additional decorative effects.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiyama et al as applied to claim 1 above in view of Manceri. A diamond shaped crystal and bezel in a timepiece is suggested at col. 2, line 48 of Manceri. It would be obvious for one skilled in the art to design the Kamiyama et al crystal of this shape as a conventional decorative feature taught by Manceri.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, K. Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vit Miska  
Primary Examiner

VM  
12/8/2005